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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,206	01/21/2004	Kia Silverbrook	RRA21US	1340
24011 7590 06/12/2008 SILVERBROOK RESEARCH PTY LTD 393 DARLING STREET BALMAIN, 2041 AUSTRALIA				
EXAMINER				
GARCIA JR, REINI				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/760,206

Applicant(s)

SILVERBROOK, KIA

Examiner

RENE GARCIA JR

Art Unit

2853

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 6 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Komplin et al. (US 6,199,977).

Komplin et al. discloses the following claimed limitations:

*regarding claim 6, inkjet printer system (col. 1, lines 31-32) comprising:

*printer having an inkjet printer cradle/**cartridge body, 10/** (fig. 2; col. 2, lines 65-67) having a body defining a recess/**cartridge slots; 134, 136, 138, 140/**

*range of cartridges/**ink cartridge, 12/** (fig. 2; col. 2, line 67), each having at least one performance characteristic (ink cartridges/12/ are different inks [cyan, magenta, yellow, black] which themselves exhibit performance characteristic in that printing with one or a combination of more than one lead to producing an image and affect throughput i.e. how the colors interact with each other or are required to be ejected to form specific colors/hues) that differentiates it from others in the range

*the performance characteristics including one or more of:

*print speed; ink types; and ink capacity

*the range including a set of supported cartridges being the only cartridges shaped for reception within the recess/**134, 136, 138, 140/** of the inkjet printer cradle/**10/** (fig. 5; col. 6, lines

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42-51), such that the printer performance is adjustable upon replacement of one cartridge from the set of supported cartridges with another cartridge from the set of supported cartridges (performance is directly related to which cartridge(s)/12/ is/are inserted into the cradle, no black cartridge would require a composite black to be formed using three inks of cyan, magenta and yellow)

*regarding claim 4, inkjet printer cartridge/**ink cartridge, 12/** not supported by a particular inkjet printer cradle/**cartridge slots; 134, 136, 138, 140/** is formed with a protrusion, or an indentation,/**keying member, 50/** that interferes with an indentation, or a protrusion, of the particular inkjet printer cradle/**cartridge slots; 134, 136, 138, 140/** upon attempting to insert said cartridge/**12/** into said cradle/**cartridge slots; 134, 136, 138, 140/** (fig. 5, col. 6, lines 42-51)

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Komplin et al. (US 6,199,977) in view of Waller et al. (US 6,250,738).

Komplin et al. disclose all of the claimed limitation except for the following:

*regarding claim 2, inkjet printer cartridges are of a type having a pagewidth printhead

*regarding claim 3, inkjet printer cartridges are of a type having an internal ink store in fluid communication with the pagewidth printhead

Waller et al. disclose the following:

*regarding claim 2, inkjet printer cartridges are of a type having a pagewidth printhead/**page-wide-array printhead**/ (col. 1, line 56) (fig. 1; includes inkjet printhead assembly/12/, ink supply assembly/14/, and mounting assembly/16/) for the purpose of printing one or more lines at a time.

*regarding claim 3, inkjet printer cartridges are of a type having an internal ink store/**reservoir, 15**/ in fluid communication with the pagewidth printhead/**page-wide-array printhead**/ (col. 4, lines 10-17) for the purpose of printing one or more lines at a time.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to utilize inkjet printer cartridges are of a type having a pagewidth printhead; and inkjet printer cartridges are of a type having an internal ink store in fluid communication with the pagewidth printhead as taught by Waller et al. into Komplin et al. for the purpose of printing one or more lines at a time.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Komplin et al. (US 6,199,977) in view of Carrese et al. (US 6,390,615).

Komplin et al. disclose all of the claimed limitation except for the following:

*regarding claim 5, indicia are present on the inkjet printer cartridges and on the inkjet printer cradles to indicate whether a particular inkjet printer cartridge is supported by a particular inkjet printer cradle

Carrese et al. disclose the following:

*regarding claim 5, indicia/**colored indicia**/ are present on the inkjet printer cartridges/**ink tank, 200**/ and on the inkjet printer cradles/**ink tank support structure, 100**/ to indicate whether a particular inkjet printer cartridge/**ink tank, 200**/ is supported by a particular inkjet printer cradle/**ink tank support structure, 100**/ (col. 6, lines 39-54)

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to indicia are present on the inkjet printer cartridges and on the inkjet printer cradles to indicate whether a particular inkjet printer cartridge is supported by a particular inkjet printer cradle as taught by Carrese et al. into Komplin et al. for the purpose of helping the user put an appropriate tank into the correct location.

Response to Arguments

2. Applicant's arguments filed 05/01/2007 have been fully considered but they are not persuasive.

Regarding applicant's argument that Komplin et al. fails to suggest a printer with performance adjustable in response to a cartridge change, specifically that Komplin et al. does not teach the substitution of a black ink usage for composite black, using C, M, Y cartridges. While not expressly taught in Komplin et al. it is an known feature present in ink jet printing to utilize color cartridges to provide a black substitute, at either users command via control program or lack of black ink in printing apparatus. Furthermore it is known in the art that utilizing such feature affects performance since you have at least three colors to provide the function of one color, with possible influences of heating of printing heads, power requirement consideration, and maintenance having contributions.

Furthermore, independent claim 6 fails to provide limitations on how performance characteristics are related to ink types, print speed and ink capacity, specifically ink types. While the applicant has provided a limitation for using ink type as a possible cartridge, of a range of cartridges, to be used in the invention it does not disclose how it affects performance of the printer. Lack of further limitations regarding this aspect allow for a broad interpretation on how the "performance characteristics" affect the printer. Thus the examiner has provided a reasonable usage of the ink type characteristic that is known in usage in ink jet printing technology and reasonably applied to Komplin et al.

Independent claim 6 claims a "cradle having a body defining a recess for receiving a single cartridge", wherein the invention is more inline with a single recess defined in the body for a single cartridge, which the claim limitations cover adequately. However they allow for reasonable interpretation wherein the body has a plurality of recesses, not excluded by claim language, whereas each recess receives a single cartridge. Komplin et al. teaches this aspect of the claim interpretation. Furthermore, limitations provide a range of cartridges supported in the recess, but fail to limit their usage to only one specific recess of a possible plurality.

Limitations do not limit the replacement cartridge to be a different cartridge from the one being replaced, and therefore can be an exact replacement, replace a used magenta for a new fully magenta. Limitations also provide that the printer performance is adjustable but does not require that performance adjustment has to occur, only capable, in which case the replacement of a used cartridge for a new cartridge can read on claims language.

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Communication with the USPTO

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to RENE GARCIA JR whose telephone number is (571)272-5980. The examiner can normally be reached on M-F 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen D. Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. G./
Examiner, Art Unit 2853

/STEPHEN D. MEIER/
Supervisory Patent Examiner, Art Unit 2853